



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

Reply To
Attn Of: OCE-084

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Amar Grewal, President
RepelleX LTD.
11559 Wood Street
Maple Ridge, British Columbia V2X 5A1
Canada

Re: **NOTICE OF WARNING** regarding violations of the Federal Insecticide, Fungicide, and Rodenticide Act

Dear Mr. Grewal:

This letter is to formally notify you that, as of the date of this letter, the U.S. Environmental Protection Agency (EPA) will refuse entry on any future import of RepelleX, LTD (RepelleX) or Natura, Inc. (Natura) products which contain or claim to contain dried blood.

The EPA is refusing entry on these products because their sale and distribution in the United States is illegal. The above products are "pesticides" as defined by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) because they claim to repel vertebrae animals such as deer, elk, moose, rabbits, and gophers. As you know from our numerous phone and written communications, all pesticides must be registered with FIFRA or meet appropriate exemptions to legally be sold and distributed in the United States. You have not registered these pesticides nor have you produced them in accordance with the minimum risk pesticide exemption (40 CFR 152.25(f)) which releases qualifying pesticides from the burden of federal registration. As stated in prior communications, violating the provisions of FIFRA can subject your importers to Stop Sale Use or Removal Orders (SSURO) and/ or civil penalties of up to \$6,500.00. As you undoubtedly remember, on January 25, 2006, EPA issued SSUROs to 109 RepelleX importers across the United States to stop the illegal sale and distribution of your unregistered RepelleX Fertilizer Tablets and liquid formulations claiming to contain "quaternary ammonium salts [correct spelling: quaternary]."

RepelleX and Natura products containing blood are being denied entry into the U.S. because they contain a form of quaternary ammonium salts, called denatonium benzoate, which is not an acceptable ingredient for minimum risk pesticides. Denatonium benzoate is a well know pesticide that is present in several, registered deer repellent products. Analytical results from samples collected during an April 25, 2006, import inspection at UPS Inc., in Seattle, Washington, revealed that all RepelleX and Natura products containing "Dried Blood" also contained significant levels of denatonium benzoate. This finding is

extremely disappointing since we have repeatedly communicated to you (for several years) that any unregistered product containing this substance is illegal and strictly prohibited in the U.S. Again, as of the date of this letter, the EPA will refuse entry on any future imports of your products which contain or claim to contain dried blood. We have notified U.S. Customs and Boarder Protection of this refusal and have copied them on this Notice of Warning.

If you still wish to market these products in the U.S., you must:

- Notify EPA prior to the arrival of each shipment by submitting a Notice of Arrival of Pesticides and Devices (EPA Form 3540-1);
- Provide a third party analysis of the product composition (required for each batch or lot); and
- Provide the name, address and certification of the third party laboratory used for product analysis.

Failure to adhere to the above conditions and FIFRA will result in your products being denied entry into the U.S. and may subject the importer to civil penalties.

Please contact Chad Schulze in writing within 30 days of receipt of this letter and state the steps you plan to take in response to this Notice of Warning and the steps you plan to take to fully comply with FIFRA. Please contact Mr. Schulze by phone, at (206) 553-0505, if you have any questions about this letter or compliance with FIFRA.

Sincerely,

Scott E. Downey, Manager
Pesticides and Toxics Unit

cc: Willy Hicks, Port Manager, Customs and Border Protection, Blaine, Washington
Luca Furnare, Agricultural Inspection Branch, Customs and Border Protection, Seattle, Washington
Jim Johnson, UPS Seattle
Dale Mitchell, Oregon Department of Agriculture
Michael Babbit, Oregon Department of Agriculture
Paul Figueroa, Washington State Department of Agriculture